

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF CALIFORNIA

JOSHUA D. THRELKELD,

Plaintiff,

v.

SHARON MCKAY, et al.,

Defendants.

No. 1:22-cv-00656-JLT-EPG (PC)

ORDER ADOPTING FINDINGS AND  
RECOMMENDATIONS

(Doc. 4)

ORDER DISMISSING ACTION

Joshua Threlkeld alleges that the defendants violated his First Amendment rights by denying his request for a Religious Meal Alternate (“RMA”) card in 2019. (Doc. 4 at 10–11.) This card allows an inmate to receive meals in accordance with the inmate’s religious beliefs. Based on this same action, Threlkeld also asserts claims based upon the denial of due process, and equal protection and asserts Eighth Amendment claims. Threlkeld alleges that other inmates who requested RMA cards received them in a timely manner, that he was denied a required interview regarding his religious preferences, and that without an RMA card, he was forced to eat outside of his religious preferences until he was granted the RMA card on July 29, 2021. (Doc. 4 at 10.)

The assigned magistrate judge screened the first complaint. (Doc. 3.) The magistrate judge warned Threlkeld that his complaint failed to state cognizable claims because it did not include any allegations “regarding his religion or how being denied access to [his preferred]

1 meals burdens the practice of his religion.” (Doc. 3 at 7.) The initial complaint also omitted  
2 details as to Threlkeld’s attempts to request an RMA card; did not allege any discrimination to  
3 support equal protection claim; and otherwise failed to allege facts supporting the due process or  
4 Eighth Amendment claims. Threlkeld filed an amended complaint on October 3, 2022, which the  
5 assigned magistrate judge also screened.

6 The assigned magistrate judge then issued findings and recommendations, recommending  
7 that “[t]his action be dismissed, with prejudice, for failure to state a claim,” and that “[t]he Clerk  
8 of Court be directed to close this case.” (Doc. 6 at 14.) The findings and recommendations  
9 emphasized that, despite the prior notice of his initial complaint’s deficiencies, Threlkeld’s  
10 amended complaint did not describe “any part of his faith that concerns dietary restrictions or  
11 meals” and did not cure the other deficiencies identified by the magistrate judge in the initial  
12 screening. (Doc. 6 at 7.) Plaintiff filed objected to the findings and recommendations. (Doc. 7.)  
13 Plaintiff’s objections merely restate the pleading standard that he must, at this stage, “state [his]  
14 allegations so generally as to provide notice to the defendants and alert the court as to what  
15 conduct” violated his rights. (Doc. 7.)

16 According to 28 U.S.C. § 636(b)(1)(C), this Court has conducted a *de novo* review of the  
17 case. Having carefully reviewed the entire file, the Court concludes that the magistrate judge’s  
18 findings and recommendations are supported by the record and by proper analysis. The  
19 magistrate judge applied the proper standard, and Threlkeld’s complaint did not meet it. Thus, the  
20 Court **ORDERS**:

- 21 1. The findings and recommendations issued on March 6, 2023, (Doc. 6), are  
22 **ADOPTED IN FULL.**
- 23 2. This action is dismissed, with prejudice, for failure to state a claim; and
- 24 3. The Clerk of Court is directed to close this case.

25 IT IS SO ORDERED.

26 Dated: **June 28, 2023**

27   
28 UNITED STATES DISTRICT JUDGE